

9

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O. A. NO. 856 OF 2011

Cuttack, this the 21<sup>st</sup> day of May, 2014

S. Mahakud..... ......... Applicant

-Versus-

Union of India & Others ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? ☑
2. Whether it be referred to PB for circulation? ☑

  
(R.C.MISRA)  
MEMBER (Admn.)

  
(A.K.PATNAIK)  
MEMBER(Judl.)

10

ENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O. A. NO. 856 OF 2011

Cuttack this the 21<sup>st</sup> day of May, 2014

**CORAM**

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**  
**HON'BLE MR. R. C. MISRA, MEMBER (A)**

Sabita Mahakud,  
aged about 23 years,  
Wife of Khetra Mohan Mahakud,  
Village-Sasang, P.O./P.S-Champua,  
Dist-Keonjhar.

...Applicant

(Advocates: Mr. P.S. Das)

**VERSUS**

Union of India Represented through

1. Chief Post Master General,  
Odisha Circle,  
Bhubaneswar,  
Dist-Khurda.
2. Superintendent of Post Offices,  
Keonjhar Division,  
At/Po./Dist- Keonjhar
4. Sri Sachin Kumar Giri,  
C/o.Lokanath Giri,  
At/Po-Rajia, Via-Remuli, S.O.,  
Dist- Keonjhar

... Respondents

(Advocate: Mr. J.K. Khandayatray )



O R D E R (ORAL)

**A.K.PATNAIK, MEMBER (JUDL.):**

The sole grievance of the applicant, in this Original Application is that the Respondent No.3 who has been selected and appointed to the post of GDSBPM of Sasang BO in account with Champua SO, being not a permanent resident of that village ought not to have been selected/appointed to the said post and, thus, she has prayed to declare his selection as illegal and non est in the eyes of law and to consider her case for appointment to the said post as she belongs to Sasanga BO.

2. Respondents filed their counter in which it has been stated that the post of GDS Branch Postmaster, Sasang BO in account with Champua SO having been fallen vacant due to promotion of the incumbent holding the said post to the cadre of postman, notification inviting application for the said post was issued on 20.4.2011. Simultaneously names from Employment Exchange, Champua were also sought. The post was meant for OBC candidate. As per the Rules, selection was to be made as per the merit which is adjudged on the basis of the marks secured in the HSC Examination and as per the Rules the selected candidate has to provide suitable rent free accommodation for functioning of the post office before appointment and must reside in the said post village. As the Respondent No.3 secured highest percentage of marks from among the candidates in the process of selection and had also furnished the undertaking to provide rent free accommodation and reside in the post village, he was selected and appointed to the said post. They have also enclosed copy of the rules and the check sheet in support of their stand that the selection was conducted in a free and fair manner in strict adherence to the Rules. Accordingly, they have prayed for dismissal of this OA.

*Alka*

3. Learned Counsel have reiterated their stand taken in their respective pleadings and having heard them at length, perused the records including the Rules concerning the selection and appointment to the post of GDSBPM. We find that both the applicant and Respondent No.3 belong to OBC community. From the check sheet, we also find that the Respondent No.3 has secured more percentage of mark in the HSC examination than the applicant. The percentage of mark of Respondent No.3 is 60.667% and the applicant is 48.8%. Therefore, on merit it cannot be said that the Applicant stood in any manner in a better footing than the Respondent No.3. We do not find any such provision that the persons to be selected and appointed to GDS post should belong to the same ~~post~~ village rather rule provides that the person to be selected should provide rent free accommodation for functioning of the post office and reside in the post village which has also been fulfilled by the Respondent No.3. Therefore, we do not see any justifiable reason to annul the selection of Respondent No.3. Accordingly, this OA stands dismissed by leaving the parties to bear their own costs.

  
(R.C. Misra)  
Member (Admn.)

  
(A.K. Patnaik)  
Member (Judicial)